

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

NORTH SLOPE PUMP STATION
6900 UNIVERSITY AVENUE
WEST DES MOINES, IA 50266

**ADMINISTRATIVE
CONSENT ORDER
NO. 2008-UT-05**

UST NO. 199517821

Mail To: CITY OF WEST DES MOINES
ATTN: JODY SMITH
4200 MILLS CIVIC PKWY
WEST DES MOINES, IA 50265

I. SUMMARY

The Iowa Department of Natural Resources (Department) and the City of West Des Moines (WDM) have entered into this administrative consent order (Order) for the purpose of resolving violations of the Department's underground storage tank (UST) compliance inspection rules.

For questions regarding this Order contact the following:

Relating to technical requirements:

Paul Nelson
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/281-8779

Relating to Legal Issues:

Tamara Mullen, Attorney
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/281-8934

II. JURISDICTION

This Order is issued pursuant to Iowa Code sections 455B.474(1)(f)(11) and 455B.476 which authorize the Director to issue any order necessary to secure compliance with Iowa Code Division IV, Part 8 and Environmental Protection Commission (Commission) rules contained in 567 Iowa Administrative Code (I.A.C.) Chapter 135. Iowa Code section 455B.109 and Commission rules at 567 I.A.C. Chapter 10 authorize the Director to assess administrative penalties up to \$10,000. Iowa Code section 17A.10 authorizes the use of informal settlements.

III. STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Iowa Code section 455B.474(1)(i) authorizes the Commission to adopt rules to establish an UST certified compliance inspection program. Commission rule 567 I.A.C. 135.20 requires owners and operators of USTs to retain a compliance inspector certified by the Department pursuant to 567 I.A.C. Chapter 134, Part B, to complete a facility inspection and submit a report by December 31, 2007. Compliance inspections are subsequently required to be performed on a biennial basis.
2. The North Slope Pump Station is a pumping station for sanitary sewage. The 550-gallon UST is for a diesel powered emergency generator and was installed in 1991.
3. On January 9, 2007, the Department mailed a letter informing the City of WDM of the December 31, 2007 deadline for a compliance inspection.

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4. The Department mailed a second letter on October 17, 2007 reminding the City of WDM that it had not completed its inspection and that the inspection report was due no later than December 31, 2007.
5. On November 5, 2007, the Department posted a list of un-inspected sites, including this site, on its webpage for compliance inspectors to contact.
6. On June 10, 2008 the Department mailed a "Notice of Violation" letter to the City of WDM for its failure to complete an inspection report and submit the report by December 31, 2007. To date the Department has still not received this report; it is now 11 months overdue.

IV. ORDER

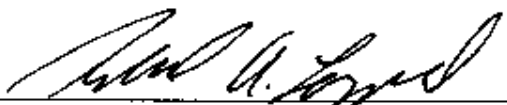
1. The City of WDM agrees to retain a Department-certified compliance inspector and complete an initial inspection and assure that the inspector submits a final electronic inspection report in accordance with Department rules to the Department within 15 days after receipt of this Order.
2. The City of WDM agrees to pay a penalty of \$1,000 to the order of the "Iowa Department of Natural Resources" within 30 days after receipt of this Order.

V. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.476 and Chapter 567 I.A.C. Chapter 7 authorize a written notice of appeal to the Commission. By signing this Order, the City of WDM waives all rights to appeal.

VI. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative or civil penalties and referral to the Iowa Attorney General to obtain appropriate relief pursuant to Iowa Code sections 455B.476 and 455B.477. Compliance with the terms and conditions of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.



RICHARD A. LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES
Dated this 24 day of Dec, 2008.



JODY SMITH, on behalf of THE CITY OF WEST DES MOINES
Dated this 24 day of Dec, 2008

City of West Des Moines: Elaine Douskey, Paul Nelson; V.C.